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DEPT FOR DRL, EAP/PD, EAP/CM

E.O. 12958: DECL: 01/23/2032

TAGS: [PHUM](#) [PGOV](#) [CH](#)

SUBJECT: HUMAN RIGHTS: MFA OFFICIAL DEFENDS JUDICIAL
PROCESS IN GAO ZHISHENG CASE

REF: BEIJING 24498

Classified By: Political Internal Unit Chief Susan Thornton.
Reasons 1.4 (b) and (d).

Summary

¶1. (C) MFA Human Rights official Xu Jing defended the Chinese Government's handling of Gao Zhisheng's case (reftel) during a January 22 meeting, claiming that Gao Zhisheng's legal rights were protected and that he received a "light sentence." Xu Jing said she will inquire about the Chinese Government's investigation into the September 30 Tibetan border shooting incident and report the United States Government's ongoing concerns about the cases of Lan Chengzhang, Gao Zhisheng, Jude Shao and Rebiya Kadeer's sons. Xu Jing said she would look into Poloff's request for increased access to future court proceedings in sensitive cases, but said that "other agencies" might pose obstacles. End summary.

Gao Zhisheng Case

¶2. (C) MFA IO Human Rights officer Xu Jing told poloff during a January 22 meeting lawyer Gao Zhisheng's rights were protected in proceedings that resulted late last month in a three-year sentence, suspended for five years. Xu Jing said family members had advance notice of the December 22 session announcing the verdict and were permitted to attend it. Gao, she said, knowingly refused his right to counsel but received advice from court-appointed attorneys in any event. Xu Jing emphasized that Gao had received a "light sentence" and had been set free. Poloff objected to Xu's characterization, stating that the proceedings against Gao were effectively closed, making it impossible to tell if evidence supported any sentence whatsoever. Poloff expressed concern that Gao has had little or no contact with associates in the month since his release from prison, and that the suspended threat of additional jail time may simply be a tool to silence him.

Responses On Other Cases Of Concern

¶3. (C) Poloff asked about the results of the Chinese Government's investigation into the September 30 incident involving the shooting of Tibetans crossing into Nepal, noting that MFA officials had said that the Government will disclose the results of its investigation into this incident and that the Embassy continues to receive inquiries about the incident. Xu noted that her office also receives regular inquiries about this incident, acknowledged the importance of responding to these inquiries and said that she would follow up on the status of the Government's investigation.

¶4. (C) Poloff raised the cases of Lan Chengzhang, Gao Zhisheng, Jude Shao and Rebiya Kadeer's sons. (Note: Lan Chengzhang, a reporter for "China Trade News," was beaten to death on January 10 outside the offices of an illegal coal mine in Shanxi Province. The Government has since made several arrests in the case, including detaining the mine boss who allegedly ordered the beating. End note.) Xu Jing said she will report the United States Government's concern and provide information about individual cases where possible.

Access to Legal Proceedings

¶5. (C) Poloff pressed Xu Jing for assistance in gaining access to future court proceedings in sensitive cases of interest, noting that enhanced transparency in such cases is in the interest of all parties. Xu Jing allowed that increased access to legal proceedings could help dispel misperceptions about China's legal system and said she will appeal to her superiors on the issue. She claimed that the MFA often finds itself sandwiched between calls for information in cases attracting international interest and the concerns of domestic ministries, noting that "other agencies" might object to requests for increased access. Xu commented that the MFA has made progress in helping Chinese security officials understand why certain domestic cases capture international attention, in part by including security officials in official Human Rights dialogues with other countries.

RANDT